

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

AMERICAN ENTERTAINERS, L.L.C.,)
Plaintiff,)

V.)

CITY OF ROCKY MOUNT,)
NORTH CAROLINA,)
Defendants.)

JUDGMENT IN A CIVIL CASE
CASE NO. 5:14-CV-438-D

Decision by Court.

This action came before this Court for ruling as follows.

IT IS ORDERED, ADJUDGED, AND DECREED that the City's motion for summary judgment [D.E. 34] is GRANTED in part and DENIED in part, and American's motion for summary judgment [D.E. 37] is GRANTED in part and DENIED in part. The court GRANTS summary judgment to American and DENIES summary judgment to the City only as to American's challenge to the 500-foot spacing provision in section 503(C)(3)(a) of the Rocky Mount Land Development Code, which violates North Carolina law, and as to the constitutionality of the procedural timing requirements in SOBO § 13-273(e), which violates the First Amendment and is severed from the SOBO. As to American's remaining legal challenges, the court GRANTS the City's motion for summary judgment and DENIES American's motion for summary judgment.

This Judgment Filed and Entered on September 8, 2016, and Copies To:

Gary S. Edinger (via CM/ECF Notice of Electronic Filing)

Douglas E. Turner, Jr. (via CM/ECF Notice of Electronic Filing)

J. Nicholas Ellis (via CM/ECF Notice of Electronic Filing)

DATE:

September 8, 2016

JULIE RICHARDS JOHNSTON, CLERK

(By) /s/ Nicole Briggeman

Deputy Clerk